

United States District Court

EASTERN DISTRICT OF WISCONSIN

COURT MINUTES

HON. **William E. Duffin**, presiding.

DATE: **May 13, 2016 at 10:00 AM**

CASE NO. **16-CR-21**

UNITED STATES v. **Samy Mohammed Hamzeh**

PROCEEDING: **Status Conference (COUNSEL ONLY)**

Deputy Clerk: Amanda Chasteen

Court Reporter: FTR Gold

Time Called: 10:01:30

Time Concluded: 10:19:16

UNITED STATES by: **Paul L. Kanter**

DEFENDANT: **not present**

ATTORNEY: **Craig W. Albee**

GOVT

- Govt is not where they hoped to be with translation of transcripts.
- Govt has turned over to the defense all discovery except translations
- Time estimate was not accurate. The FBI has made one pass at the transcripts, needs more time to review.
- Generally the final review of the transcripts by Govt is not completed until a trial date has been set.
- Delay is not the fault of the MKE FBI office. Govt is as frustrated by this development as the court and defense counsel.

DEFENSE

- New information regarding the time frame for receipt of the transcripts is concerning to the Defense.
- Feels it is unrealistic that transcripts not be completed until a set trial date.
- Defense can't start work until transcripts are released.

COURT

- Questions the Govt as to what can be done prevent this case from dragging on.

GOVT

- Typically not the Govt's responsibility to provide defense with transcripts, Copies of transcripts in Arabic were provided to defense for translation purposes.
- Govt assumes FDS has funds for translation services.
- Operational transcript review may take longer than 3 months. A linguist may be needed to testify in court as to the accuracy of transcripts.
- Stresses to the court that concerns have nothing to do with the local FBI Office.
- No objection to a rolling disclosure of transcripts.

DEFENSE

- Disagrees with Govt.
- Lead to believe transcripts would be provided or motions to produce them would be filed.

COURT

- Sets a date 45 days out. Court hopes that as the transcripts are completed they can be provided to the defense.
- If by the next status conference there has been no progress, Judge Pepper will be consulted about how to proceed.
- **Status Conference (COUNSEL ONLY) set for June 28, 2016 at 10:00 AM.**

COURT makes a Speedy Trial finding under 18:3161(h)(7)(A)(ii) and (iv) because the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial. Specifically, court finds given the complexity of the case, nature of the prosecution and the case taken as a whole, the failure to grant such a continuance would unreasonably deny defendant reasonable time for effective preparation. **The time from today until June 28, 2016 is excluded under the Speedy Trial Act.**